IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Court No.3

Criminal Revision No. 801/2001
(Old No. 55/1989)

Maqsood ……..Revisionist.

Vs.

State ..… Respondent.

Hon'ble Irshad Hussain, J.

This is a criminal revision under sections 397/401 Code of Criminal Procedure against the judgment and order dated 9-1-1989 passed by Additional District and Sessions Judge, Dehradun in criminal appeal No. 29 of 1988, whereby the appeal was partly allowed setting aside the conviction and sentence awarded to the revisionist under section 427 I.P.C. and confirming the conviction and sentence under sections 279/338 I.P.C. as recorded by the learned Munsif Magistrate L.C.C., Dehradun on 20-6-1988 in criminal case No. 67 of 1987, State versus Maqsood.

2- Heard Sri Lokendra Dobhal learned counsel for the revisionist and Sri H.C. Pandey learned A.G.A. for the State and perused the record.

3- The lealrned counsel for the revisionist merely submitted that the sentence awarded against the revisionist was severe in view of the petty dispute between the reivisonist and the complainant. From perusal of the judgment it appear that the quarrel started when a minor accident took place with motor bike. Since it was a case of accident and there was no intention to cause hurt, a more lenient view need to be taken in the peculiar circumstance of the case.

4- Having considered the facts of the case it will be just and proper if the sentences awarded under sections 279 and 338 I.P.C. are modified to the period of sentence already undergone by the revisionist-accused and the revision need to be disposed of accordingly.

5- In view of above the revision is disposed of in terms that the impugned judgment is modified to the extent that the sentences under sections 279 and

338 I.P.C. are modified and reduced to the period already undergone. In view thereof the bail bonds of the revisionist are cancelled and sureties discharged.

(Irshad Hussain, J.)

Dated: 14-11-03

ISB